

HOUSE BILL No. 1302

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-49-3-3.

Synopsis: Restrictions on sale of sexually explicit material. Restricts the display or sale of sexually explicit material that is harmful to minors to establishments where entry is limited to adults. Exempts video rental businesses.

Effective: July 1, 1999.

Smith V, Klinker, Fesko, Becker

January 12, 1999, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1302

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 35-49-3-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) A person who
3 knowingly or intentionally:
4 (1) disseminates matter to minors that is harmful to minors;
5 (2) displays matter that is harmful to minors in an area to which
6 minors have visual, auditory, or physical access, unless each
7 minor is accompanied by his parent or guardian;
8 (3) sells or displays for sale to any person matter that is harmful
9 to minors within five hundred (500) feet of the nearest property
10 line of a school or church;
11 (4) engages in or conducts a performance before minors that is
12 harmful to minors;
13 (5) engages in or conducts a performance that is harmful to
14 minors in an area to which minors have visual, auditory, or
15 physical access, unless each minor is accompanied by his parent
16 or guardian;
17 (6) misrepresents his age for the purpose of obtaining admission

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1 to an area from which minors are restricted because of the display
2 of matter or a performance that is harmful to minors; or

3 (7) misrepresents that he is a parent or guardian of a minor for the
4 purpose of obtaining admission of the minor to an area where
5 minors are being restricted because of display of matter or
6 performance that is harmful to minors;

7 commits a Class D felony.

8 **(b) This subsection does not apply to a business whose primary**
9 **function is the rental of videos. A person who knowingly or**
10 **intentionally:**

11 (1) conducts a business where entry is not restricted to
12 persons who are at least eighteen (18) years of age; and

13 (2) displays matter that is harmful to minors at that location;
14 commits a Class D felony.

15 **(c) This subsection does not apply to a business whose primary**
16 **function is the rental of videos. A person who knowingly or**
17 **intentionally:**

18 (1) conducts a business where entry is not restricted to
19 persons who are at least eighteen (18) years of age; and

20 (2) engages in a performance that is harmful to minors at that
21 location;
22 commits a Class D felony.

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